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ACTION EUR-00

INFO	LOG-00	AID-00	CIAE-00	DODE-00	WHA-00	EB-00	TEDE-00
	INR-00	IO-00	L-00	NSAE-00	NSCE-00	OIC-00	OIG-00
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INFO NATO EU COLLECTIVE PRIORITY

AMCONSUL STRASBOURG PRIORITY

USMISSION GENEVA PRIORITY

DEPT OF HOMELAND SECURITY WASHINGTON DC PRIORITY

DEPT OF JUSTICE WASHDC PRIORITY

NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY

JOINT STAFF WASHDC PRIORITY

SECDEF WASHDC PRIORITY

CIA WASHINGTON DC PRIORITY

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STATE FOR L, PA, EUR/RPM, EUR/ERA, EUR/AGS

E.O. 12958: DECL: 12/15/2015

TAGS: PTER, PHUM, KJUS, EUN, PINR, SZ

SUBJECT: PROFILE OF DICK MARTY: SWISS SENATOR/COUNCIL OF
EUROPE INVESTIGATOR

REF: A. PARIS 8462

B. BERN 2240

Classified By: CDA Carol Urban, Reasons 1.4 d

1.(SBU) Allegations of secret detention centers and renditions have dominated the Swiss media over the past six weeks. This prominent play is due in no small measure to the lead role of Swiss Senator Dick Marty in the Council of Europe's investigation, and his willingness to offer on-the-record interviews. Marty, the former chief prosecutor in the Swiss Italian-speaking canton of Ticino, has been active in the COE's Parliamentary Assembly (PACE) since 1999. Last month, he assumed the chairmanship of the PACE judicial affairs committee, just in time to lead the investigation spawned by Washington Post reports of alleged European "secret prisons."

2.(SBU) The investigator's role suits Dick Marty's carefully crafted public persona. While the Free Democrat (Partito

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Libérale-Radicale) is not considered anti-American by Swiss observers, his background as a dogged prosecutor, legal stickler, absolutist on human rights, and defensive nationalist has led him to oppose USG policies in the past. Marty has insisted that he is not motivated out of hostility to America, or even the Administration as a whole. "This is absolutely not a crusade against America...", he told the AP on November 22. "We do not want to weaken the fight against terrorism... but this fight has to be fought with legal means. Wrongdoing only gives ammunition to the terrorists and their sympathizers."

3. (SBU) Dick Marty earned a reputation in Switzerland as a tough investigator of organized crime and money laundering at a time when Swiss banks exercised scant due diligence on their depositors. Along with then-Federal Prosecutor Carla del Ponte (now of the ICTY), Marty helped uncover the "Pizza Connection" involving the laundering of Mafia drug receipts in Ticino. He worked with the U.S. Drug Enforcement Administration on several narcotics investigations, including, apparently, the "Lebanon Connection" heroin ring in 1995. Post understands that the DEA may have given Marty an award.

4. (SBU) In late 1995, Marty was elected to the Swiss upper house of Parliament as a member of the pro-business Liberal-Radical Party (aligned with the Free Democratic caucus). As a policy maker, the former prosecutor expressed a particular interest in liberalizing drug laws, declaring that his experience had taught him that tough penalties would not reduce drug use. In 2004, as a member of PACE, Marty served as Rapporteur for Social, Health and Family affairs, in which role he pushed -- unsuccessfully and against strong opposition from the Roman Catholic Church -- for the adoption of a Europe-wide euthanasia measure exempting doctors from prosecution in assisted suicides.

5. (SBU) When U.S.-Swiss bilateral relations were strained due to the Holocaust Assets issue, Marty was among the strongest Swiss critics of USG "interference" in what most Swiss believed should remain a civil court case. On March 1998, with state and local governments in the United States threatening boycotts of Swiss banks, Marty stood up in Parliament and advocated Swiss reprisals against U.S. telecommunications firms and defense industries. "Apparently, the U.S. is more sensitive to these kind of arguments than to diplomatic discussions, and they should be aware that we will not sit back quietly," Marty declared on Swiss Television.

6. (SBU) During PACE's deliberations on an anti-terrorism

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resolution in January 2005, Marty helped insert language precluding the admission in court of evidence derived from coercion, narrowing the definition of terrorism advocacy, and condemning the death penalty and torture.

7. (SBU) In June 2005, Marty vocally criticized the Swiss government for its handling of suspected al-Qaeda financier Yussuf Nada -- manager of the Lugano-based Al Taqwa bank -- after the Swiss prosecutor dropped a 3-year criminal investigation. Marty accused Swiss chief prosecutor Claude Nicati of having launched the investigation solely to appease the United States and prove Switzerland's bona fides as a partner in the War on Terror. In a November 2005 public

forum, Marty complained that the UN sanctions regime required countries to freeze the assets of entities, even when no criminal charges would be filed.

8. (SBU) This said, Marty pushed through the Swiss Senate in December 2002 a measure to require personal identification to secure a Swiss cell phone, one year after it was revealed that al Qaeda terrorists used anonymous Swisscom cell phones to plan their attacks. He referred to his opposition to anonymous cell phones as a "crusade." Interestingly, the arguments he raised in committee discussions indicated that his concern remained as much with organized crime, as with terrorism.

Comment

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Bio Notes

10. (SBU) Dick Marty was born on January 7, 1945 in Sorengo, near Lugano (Ticino) Switzerland. He studied law 1965-69 at the University of Neuchatel and 1969-1972 at the University

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of Freiburg, Germany, receiving a doctorate of law in 1974. He joined the Ticino Justice Department in 1975, eventually becoming chief prosecutor until 1995. He became head of Swiss Tourism in 1996, his first full year as a member of the upper house of Parliament (a part-time position in Switzerland). Dick Marty married his wife Gabriela in 1969. He has three daughters, one of whom spent some time living in the United States. He has a website (in Italian) at www.dickmarty.ch.

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